

CLERK'S COPY
FILED
AT ALBUQUERQUE NM
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
MAY 26 1999

JOHNNY RAY CHANDLER,

ROBERT M. MARCH
CLERK

Plaintiff,

v.

No. CIV-99-0086 BB/DJS

DAVID LANDAU,
DR. HARVEY,
ELEANOR VAN INWEGEN,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This matter is before the Court *sua sponte* to consider Plaintiff's failure to pay the required filing fee. By order entered March 19, 1999, Plaintiff's motion for leave to proceed in forma pauperis ("IFP") was denied under the "three strikes" provisions in 28 U.S.C. § 1915(g), and Plaintiff was directed to pay the filing fee. Plaintiff's motion to reconsider the March 19 order was denied, and no payment has been received. Although the Court may not dismiss a complaint "on the grounds of poverty," *Bell v. Whethel*, 127 F.3d 1109 (Table, text in Westlaw), 1997 WL 639319 (10th Cir. Oct. 14, 1997); 28 U.S.C. § 1915(b)(4), the sanction may be imposed for failure to comply with statutory requirements. *Pigg v. FBI*, 106 F.3d 1497 (10th Cir. 1997); *White v. Colorado*, 157 F.3d 1226, 1234 (10th Cir. 1998) (upholding constitutionality of "three strikes" provisions in § 1915(g)), *cert. denied*, --- U.S. ---, 119 S.Ct. 1150 (1999); *Schlischer v. Thomas*, 111 F.3d 777, 781 (10th Cir. 1997). Plaintiff's complaint will be dismissed.

IT IS THEREFORE ORDERED that Plaintiff's complaint is DISMISSED without prejudice, and this action is DISMISSED.


UNITED STATES DISTRICT JUDGE

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